

# Managing Environmental Compliance in Connecticut



February 2005

Gina McCarthy  
Commissioner

<http://www.dep.state.ct.us>

Connecticut Department of Environmental Protection  
Office of Enforcement Policy and Coordination

Issue 6

## An Introduction From Commissioner Gina McCarthy

As the new Commissioner of the Connecticut Department of Environmental Protection ("Department"), I want to take this opportunity to introduce myself and to reassure all of you of my commitment to compliance assurance – through



education, training, technical assistance and enforcement.

Over the past 26 years, I have worked for the Commonwealth of Massachusetts in a variety of environmental

positions at both the local and state levels. I have come to appreciate the need for comprehensive laws to preserve, protect and enhance natural resources, and for regulations that lay out clear pathways for each of us to follow. I have also come to understand that laws and regulations – in and of themselves – are not sufficient to protect the environment. A comprehensive strategy must be developed and implemented to ensure that laws are obeyed and regulations are followed, a strategy that allows us to work together to protect the state's natural resources and maintain the high quality of life that the people of Connecticut have come to enjoy.

It is my hope that this quarterly newsletter will keep you informed of compliance activities at the Department and give you a better sense of what we are doing to make the state's laws and regulations work for all of us.

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## Connecticut Adopts More Stringent Motor Vehicle Emission Standards

On December 3, 2004, Connecticut adopted California's more stringent clean car regulations. The new regulations will require the sale of second generation California-certified "low emission vehicles" or "LEVs" in Connecticut beginning with the 2008 model year. The Department proposed the legislation that led to the new regulations because of the numerous environmental and public health benefits achievable through adoption of the California clean car program in Connecticut. The regulations were drafted in response to Public Act 04-84, which directed the Department to promulgate these rules by December 31, 2004 in order to require automobile manufacturers to deliver cleaner cars to Connecticut.

Under the new regulations that implement the clean car program (commonly referred to as the California LEV II program), vehicle manufacturers must provide new cars, light trucks and sports utility vehicles that meet stricter emissions standards than those now required in Connecticut. In addition to making vehicles that meet prescribed tailpipe emission standards, all vehicles sold in a given year must meet a tighter emissions standard. Finally, and most important to Connecticut consumers, the newer, advanced, emissions control technology must be protected by manufacturer's warranty for up to 150,000 miles.

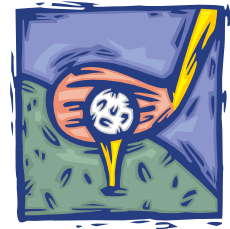
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## Compliance Assurance Approach for Golf Courses is a "Hole-in-One"

The Department has implemented a broad range of compliance assurance tools over the past several years aimed at unauthorized water diversions at golf courses which has resulted in nearly 100 % compliance across the sector. Compliance was achieved by using a wide-ranging approach to compliance assurance that included inspection, compliance assistance, permitting, and enforcement. The Department allocates water usage to protect and preserve the integrity of water resources while providing for public drinking water needs. Unauthorized diversions may impair water resources and restrict authorized users from further diversion opportunities.



In 2002 the Department launched a technical and educational compliance assistance initiative focused on the diversion of water for irrigation by golf courses in Connecticut. Outreach efforts were directed to golf course superintendents across the state whose courses had at least 18 holes and whose owners had not registered or obtained permits for their water diversions. At that time, it was estimated that there were about 100 18-hole golf courses that were diverting waters of the state without authorization.

The Department worked with the Institute of Water Resources at UConn to develop best management practices for golf course water usage. The resulting document was presented as part of a conference for golf course owners, superintendents and consultants held in October 2002.

In 2003, in accordance with Public Act 01-201 and 02-102, all unpermitted water diverters were given an opportunity to come into compliance without being subject to enforcement penalties provided they documented their water withdrawal by January 23, 2003 and submitted permit applications by July 1, 2003. The Department was inundated by permit applications from the golf courses along with other diverters seeking amnesty under the public acts. Hop Meadow Country Club in Simsbury was one of the nearly 84 water diversion applicants who took advantage of this opportunity.

By the time the amnesty timeframe ended there remained four 18-hole golf courses that had not obtained a permit. The Department is seeking enforcement actions against those four courses that will include penalties and specific schedules to bring them into compliance as part of the compliance assurance initiative.

By applying the full range of compliance assurance tools, nearly 100% compliance was achieved for the targeted sector and specific regulatory requirements. Given the environmental benefits realized, a well planned compliance assistance and assurance initiative is well worth the effort.

### Diversion Permit Conditions to Protect Brown Trout

The Department issued a 10-year water diversion permit to the Hop Meadow Country Club ("HMCC") in Simsbury that includes conditions specially designed to protect the fishery resources in the area. The permit will allow HMCC to divert water from Grimes Brook to irrigate the HMCC Golf Course.

Special conditions in the permit allow HMCC to continue to use water from Grimes Brook for irrigation at virtually the same historic amounts that were being diverted without authorization. The conditions are intended to protect the cold-water fish community, which includes naturally reproducing brown trout, while meeting the maintenance requirements of the golf course.

As part of the permit conditions, the Country Club will have to monitor the stream flow levels in Grimes Brook on a daily basis. If critical stream flow levels are reached, the Country Club will have to close the valve on the diversion pipe for the remainder of the day and the following day as well in order to restore an acceptable stream flow level. In addition, the Country Club is required to cease diverting water beginning November 1 through April 15 of each year in order to allow for adequate stream flow for spawning, egg incubation, and fry development of naturally reproducing brown trout. In the past, Hop Meadow kept the valve on the diversion pipe connecting Grimes Brook to its detention pond open year round.

## An Introduction From Commissioner Gina McCarthy

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As the chief steward of the environment, DEP takes its job very seriously. This newsletter helps us communicate the breadth of that commitment, the strength of our resolve and the fundamental role that compliance assurance plays in our efforts to preserve, protect and enhance the environment.

I look forward to working with all of you in the coming months and years as we strive to provide each citizen in this great state with clean air to breathe, clean water to drink, and land that is free of contaminants and rich in biodiversity.

## Addressing Air Quality Impacts of Distributed Generators

In light of electric reliability concerns associated with transmission constraints and load pockets, particularly in the southwestern part of the state, distributed generation has been promoted as a means to help mitigate transmission and distribution congestion. The Department has adopted regulations to address the potential air quality impacts of smaller-scale electric system generating units distributed throughout an electrical system, referred to as “distributed generators”.

Section 22a-174-42 of the Regulations of Connecticut State Agencies (Section 42), Distributed generators, went into effect January 1, 2005. This section prescribes requirements for the construction and operation of distributed generators. Consequently, there is no longer a need to regulate the same activity under the *General Permit to Construct and/or Operate a New or Existing Phase I Distributed Generator* (General Permit). Therefore, the Department is proposing to revoke the General Permit. The requirements of Section 42 also vary from those of the General Permit and its revocation will eliminate those discrepancies.



Section 42 requirements will include output-based standards for emissions of nitrogen oxides, particulate matter, carbon monoxide and carbon dioxide as well as fuel sulfur content requirements to control emissions of sulfur dioxide and annual operating hour limits which will restrict emissions to levels below the permit applicability thresholds.

A *Notice of Intent to Revoke* and *Notice that an Individual Permit may be Required* in relation to the General Permit were published throughout the state on December 22, 2004. Comments or requests for a hearing on such proposed revocation were accepted by the Department until January 20, 2005. All current permittees were notified by certified mail.

The proposed effective date for the revocation of the General Permit is July 1, 2005. This will provide those who own or operate distributed generators under the General Permit sufficient time to prepare for operating under the new Section 42 regulations. In addition, due to changes to the underlying regulations, through a similar public notice process, the Department is also proposing to revoke the *General Permit to Construct and/or Operate a New or Existing Emergency Engine* effective February 15, 2005.

## Department Improves Public Participation Process for Permitting Programs in Environmental Justice Communities

With funding provided by an EPA environmental justice grant, the Department is improving its existing public participation and adjudication procedures to help prevent the potential for discriminatory effects from the Department's permitting programs.

A review team was created to assess the existing procedures and develop a model multicultural public participation plan. The review team, consisting of Department staff, community representatives and a contractor, coordinated the project and trained the community representatives to evaluate existing processes and gather input from their constituents. The community groups included the East End Community Council, Inc. (Bridgeport), Christian Community Action, Inc. (New Haven), ONE/CHANE, Inc. (Hartford), Connecticut Parents United for a Lead Safe Environment (CTPULSE-Hartford), and New Opportunities, Inc. (Waterbury).

Representatives of the community groups were trained on the Department's permitting programs, notification and public participation procedures and the adjudication process using a curriculum developed by the contractor. Each community group was then provided with funds to conduct training workshops in their communities using the same curriculum. Approximately 100 residents attended the training workshops and also provided recommendations on how the Department can improve its public participation process. The Department is currently reviewing these recommendations and will continue to work with the team and regulated community towards implementation.

Some of the areas for improvement recommended by the residents and community groups include:

- ❑ Legal notice process-increase print size, reduce technical language, make easier to locate in newspaper, place in local papers in appropriate languages.
- ❑ Additional community notification procedures- mailings to applicable community groups and affected households, posting notices at proposed location of activity, local libraries and public access television. Provide more detail on specific permit applications. Make copies of permit applications more easily available.
- ❑ Provide easy to understand guidance on the permitting and public participation processes- provide to community groups, municipal offices and post on Department web-site.
- ❑ Develop consistent procedures and criteria for Department staff to follow when reviewing public notices and the applicant's community notification plan.

## Working Together for Cleaner Cleaners

The Connecticut Korean-American Dry Cleaners Association recently teamed up with the Connecticut Department of Environmental Protection ("Department") to co-sponsor a workshop on environmental requirements and pollution prevention opportunities. The Association contacted the Department to request an update of an environmental seminar that the Department had sponsored in 1997. As a result, the Department updated its fact sheets for dry cleaners into a Garment Care Industry guide, which includes the latest information on a variety of subjects such as proper waste management and how to apply for money for funding remediation. A workshop was held in September at which representatives from the Department's Air, Water, and Waste Bureaus, along with the Office of Pollution Prevention, made a series of brief presentations. The presentations included overviews of individual programs as well as a summary of the regulatory requirements that apply to dry cleaning businesses. The Association translated two fact sheets into Korean and provided oral translation during the workshop. The newly revised Garment Care fact sheets are on the Department's website at [www.dep.state.ct.us/wst/p2/garcare/gcindex.htm](http://www.dep.state.ct.us/wst/p2/garcare/gcindex.htm) or call (860) 424-3297 to request a copy.



## Connecticut Adopts More Stringent Motor Vehicle Emission Standards

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The benefits of the LEV II program include a 25-30% further reduction in toxics (including benzene and formaldehyde) resulting in a 137 ton per year reduction in toxics; a 15-20% further reduction in hydrocarbons resulting in a 5 ton per day reduction in hydrocarbon emissions; and a 2% further reduction in carbon dioxide (CO<sub>2</sub>) emissions resulting in an approximately 500,000 metric ton per year reduction.

As part of the California program, manufacturers will be required to make available vehicles that produce almost no emissions at all, known as "Zero Emission Vehicles" or "ZEVs". Due to flexibility in the California program, these vehicles do not need to be strictly battery powered or electric vehicles, the requirement can be met by the sale of advanced technology vehicles such as hybrids powered by both gasoline and batteries.

LEV vehicles will be available in Connecticut at the beginning of the 2008 model year, which will be mid-2007. New York, Massachusetts, Vermont and Maine have already opted into the California program. Rhode Island and New Jersey are now developing programs while New Hampshire and Maryland are considering adopting the program.

### Connecticut Department of Environmental Protection

Gina McCarthy  
Commissioner

Jane K. Stahl  
Deputy Commissioner

### Office of Enforcement Policy and Coordination

Nicole Morganthaler Lugli, Director  
Michael Hart  
Susan Zampaglione

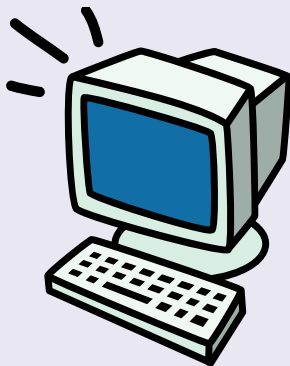
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## General Permit for Disassembling Used Electronics

The Connecticut Department of Environmental Protection ("Department") issued the General Permit for Disassembling Used Electronics ("general permit") in August 2004. The general permit applies to companies that are large quantity handlers of universal waste (accumulate more than 5000 kilograms of universal waste onsite at any one time) and engage in the disassembly of used electronics.



The general permit requires facilities to prepare and implement several plans including a facility site plan, an operation and management plan, an emergency and preparedness plan and a final closure plan. The facility must maintain waste analysis and tracking records, inspection logs, emergency and spill reports, employee training records and closure cost estimates. The conditions in the general permit include specific requirements for storage and marking of used electronics and for training staff in the proper management and handling of universal wastes.

The registration fee for the general permit is \$1000. The processing time has been reduced from two years for an individual waste permit down to two months for the general permit. The general permit, registration forms and instructions can be found on the Department's website at: <http://www.dep.state.ct.us/pao/download.htm#WasteGP>.